STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 938

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

LESSOR: JAMES E POULTER
PO BOX 429
MOORE, ID 83255-0429

RECEIVED
FEB 20 2019
DEPARTMENT OF WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.

2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 07, 2019.

3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS**: The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
34-14255	7/5/1960	GROUND WATER	0.18	30.6	8.7
34-14257	4/10/1961	GROUND WATER	0.15	26.5	7.6
Combined Limit Totals			**0.33**	**56.0**	**16.0**
Combined Lease Totals			**0.33**	**57.0**	**16.3**

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-14255	0.18	30.6	8.7	0.02	3.5
34-14257	0.15	26.5	7.6	0.02	3.5
Combined Limit Totals	**0.33**	**56.0**	**16.0**	**0.02**	**3.5**

**** The water right elements rentable have been reduced from the water right elements leased to account for combined limits.***

SUPPORT DATA
IN FILE # 34-14255

WATER SUPPLY BANK LEASE CONTRACT No. 938

2. **COMPENSATION**: The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

   Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE**: The term of this lease shall be January 1, 2019 to December 31, 2023. This Lease shall bind the parties and take effect when both parties have signed it.

4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE**: The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.

6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

7. **DUPLICATE ORIGINAL**: This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 938

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: JAMES E POULTER
PO BOX 429
MOORE, ID 83255-0429

By James E Poulter
Title
Date 02/13/2019

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 2/22/2019

Lease approved by IDWR Clay Wade

Date 2-22-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 938

ATTACHMENT A
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 34-14255, 34-14257

GROUND WATER	NESW	Sec. 10	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	NENWSW	Sec. 10	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	NWSW	Sec. 10	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	NWNENE	Sec. 9	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	NWNENW	Sec. 10	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	NWNWSW	Sec. 10	Twp 05N	Rge 26E	BUTTE County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-14255	IRRIGATION	04/01	to	10/31	0.18 cfs	30.6 AF
34-14257	IRRIGATION	04/01	to	10/31	0.15 cfs	26.5 AF
				Totals:	0.33 cfs	57.0 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	26E	9													4.0				4.0
05N	26E	10							2.0			8.7							12.3

Total Acres: 16.3

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

WATER SUPPLY BANK LEASE CONTRACT No. 938

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
    a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
    b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
14. The total instantaneous diversion of water from all points of diversion under Rights 34-14255 and 34-14257 shall not exceed 0.37 cfs, nor a total combined annual volume of 63 af.
15. Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
16. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
17. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
18. The unleased portion of water right 34-14255 is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.
19. The unleased portion of water right 34-14257 is limited to the irrigation of 0.9 acres within the place of use described above in a single irrigation season.
20. The unleased portions of rights 34-14255 and 34-14257 when combined shall not exceed the irrigation of 2.0 acres.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 938

34-14255 & 34-14257
Effective until December 31, 2023

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.

Approved Lease Point of Diversion
Approved Lease Place of Use
Township/Range
Sections
QQ

N

0 250 500 Feet

Form 42-1761-1 10/15

RECEIVED
JAN 07 2019
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant JAMES E. POULTER
(Select one owner – see item 1A on the application)

Water Right No. 34-14255
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

	Yes	
	☒	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
	☒	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
	☒	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment	N/A	Yes	
1A	☐	☒	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☒	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☒	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☒	☐	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☒	Description of a water right portion offered to the Water Supply Bank.
3	☐	☒	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☒	☐	Written consent from irrigation district or water delivery company.
4G	☒	☐	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount $ ~~500~~ 250	Received By: AV	Date Received: 1-7-19	Receipt # C106096
W-9 received? Yes ☒ No ☐	(Route W-9 to Fiscal)	Name on W-9: James E. Poulter	

1302

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant JAMES E. POULTER

Mailing Address P.O. BOX 429 (Street) MOORE (City) ID (State) 83255 (Zip Code)

Email Address jep.pgeo@gmail.com Phone Number (208) 360-6561

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2.**

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
WELL AT THE LOCATION OF WATER RIGHTS PROVIDES WATER FOR RESIDENCE AND A SEPARATE LINE FOR IRRIGATION

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. NONE

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. UNKNOWN

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☒ No ☐
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. THIS WATER RIGHT HAS BEEN IN THE WATER SUPPLY BANK FOR FIVE YEARS.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2019 (Year) to 2023 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

CURRENT RENTAL RATE

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

James E Poulter	JAMES E. POULTER	11/12/2018
Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 22, 2019

JAMES E POULTER
PO BOX 429
MOORE ID 83255-0429

RE: WATER SUPPLY BANK LEASE CONTRACT 938
FOR WATER RIGHTS 34-14255 and 34-14257

Dear Lessor:

Water rights **34-14255 and 34-14257** were leased into the Water Supply Bank (Bank) as of January 7, 2019, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank**. More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2023,** unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Debbi Gold
for Water Supply Bank

Enclosure: Executed Lease Contract

c: James Cefalo - IDWR Eastern Region
Lucas Yockey – Water District 34
Big Lost River GWD

Hersley, Jean

From: Cefalo, James
Sent: Thursday, February 07, 2019 9:52 AM
To: Hersley, Jean
Subject: RE: WSB Lease for Poulter

Jean,

I don't have any concerns with the proposed WSB lease.

James

From: Hersley, Jean
Sent: Thursday, February 07, 2019 9:38 AM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Lucas Yockey (watermaster34@atcnet.net) <watermaster34@atcnet.net>
Subject: WSB Lease for Poulter

Please let me know if you have any comments or concerns with the attached lease within 7 days. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 7, 2019

JAMES POULTER
PO BOX 429
MOORE ID 83255

RE: APPLICATION TO LEASE WATER RIGHT 34-14255 & 34-14257 TO THE WATER SUPPLY BANK CONTRACT 938

******TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature**. **Please sign and return ALL Lease Contracts within 14 days**. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2023,** unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at http://www.idwr.idaho.gov. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

> "While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Jan Hensley

Water Supply Bank

Enclosures: Proposed Lease Contracts
Receipt # C106096

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, February 07, 2019 9:38 AM
To: Cefalo, James; Lucas Yockey (watermaster34@atcnet.net)
Subject: WSB Lease for Poulter
Attachments: Idled Acres.pdf; Lease Application Review Checklist July 2017.xls; Report - Lease Contract - 938.docx

Please let me know if you have any comments or concerns with the attached lease within 7 days. Thank you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

WATER SUPPLY BANK

Lease Review Checklist

Applicant(s) Name: Poulter

Memo Date: February 7, 2019

Water Right Number(s): 34-14255 & 34-14257

Reviewers Name: Jean

uick Tools

Decreed Year	No Forfeiture Concerns Thru:
2011	2017
2012	2018
2013	2019
2014	2020
2015	2021

		Check box		COMMENTS/CONCERNS:
1	**Fill out WSB Data Entry Checklist for Leases (Front of File)**	x		
2	**Reason for lease of water rights (Brief description of lease proposal in narrative)**			
	Portion of right	x		
	All of right			
3	Check GWMA/CGWA/ADC and basin 63 areas of concern (note area in comments)			
		Yes	**No**	
4	Rentable? (If no explain in comments or narrative)	x		
5	**Authority to file**			
	Current owner or designated applicant	x		
	SOS Web site checked for business entity			
	Other (explain in comments)			
6	**Water Right validity**			
	Decreed/Licensed/Statutory claim date (write in comments section)			2002
	Past irrigation to ensure forfeiture is not an issue if decreed or licensed over 7 years ago (consider transfers that changed the POU, rentals to the POU etc.)			
	Has this right previously been leased to the bank or in CREP?	x		2014-2018
7	**Injury to other water rights**			
	If the POD is through a delivery entity, was consent provided?		na	
	If the POD is through a delivery entity, was holdback required? (percentage in comments)			%
	Any other concerns		x	
8	**Enlargement concerns**	Check box		
	Complete a POU comparison overlap analysis	x		
	Complete a combined limits review	x		
	Complete POD overlap analysis (if there is an overlap add condition to lease)	x		
		Yes	**No**	
	Are there overlapping rights that need to be placed in the bank also?		x	
	Will the place of use continue to receive water? (if yes explain in comments)		x	
9	**Local Public Interest**			
	Does the processor know of any problems this action will cause for the local public?		x	
10	**Have you contacted regional office and watermaster for comment/concerns?**	x		
	Send the watermaster comment request form or e-mail request	x		
11	Area Headgate requirement (write in Comments)			3.5
12	**Is water right involved in any other department action? Pull file and check database** ( ) Ownership Change ( ) Transfer ( ) Mitigation ( ) Other - Explain in comments		x	

13 **Narrative:** The Department received these applications on January 7, 2019. The application was signed by James Poulter, current owner. Mr. Poulter wanted to place the entirety of right 34-14255 and a portion of 34-14257 in the Bank. These rights have an additive 18.3 acres but are limited to 18 acres. Mr. Poulter wanted to keep 2 acres out of the Bank. We reduced the number of acres leased under 34-14255 to 8.7 and increased the number of acres to be leased under 34-14257 to 7.6 acres for a total of 16.3 but any rentals will be limited to 16.0 acres combined. These rights were decreed in 2002 and were placed in the Bank from 2014-2018. These rights are currently within WD 34.

Hersley, Jean

From: James Poulter <jep.pgeo@gmail.com>
Sent: Sunday, February 03, 2019 3:04 PM
To: Hersley, Jean
Subject: Re: Water Supply Bank Lease Application
Attachments: JEP Google Photo IDWR.pdf; IDWR Water Rights Map.pdf

I apologize for the confusion on the application to lease my water rights. I tried to follow the forms I had submitted on the 2014 application and did not check my records as closely as I should have. By way of explanation, in 2014 the 15.2 acres I listed was the portion of the 18 acres listed on the water rights document, meaning I wished to retain between 2 and 3 acres.

For the current application I wish to retain 2 acres of the 8.5 available for Water Right 34-14257, which would leave 6.5 acres available for lease. I have attached a photo from Google Earth that shows the area where I currently use my rights and that would not be included in the lease application. I have also shown this on the image you provided, as well as the area to be leased that would be idled. I hope this clears up any confusion.

On Attachment 2 the correct number for Leased Acres would be 6.5, but I am unsure of the Leased Volume figure. Can this be corrected on the original application or will I need to provide a new Attachment?

Please advise if there are any questions or if you need additional data from me. Again I apologize for the confusion.

Jim Poulter
(208) 360-6561

On Mon, Jan 28, 2019 at 12:55 PM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

The Department of Water Resources received your application to lease water right 34-14255 and a portion of water right 34-14257 to the Bank. Item #2 on the application, you marked that only a portion of the water right was to be leased to the Bank but attachment 2 lists the entire water right. (Please note you listed the number of acres to be leased as 15.2 but water right 34-14257 is limited to the irrigation of 8.5 acres.) If you only want to lease a portion of water right 34-14257 to the Bank, the Department will need to know how many acres you would like to lease. We will also need a map showing which acres you are going to idle.

I have attached a water right report for 34-14257, a map showing the water right acres and a copy of your application. If you have any questions, please contact me. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

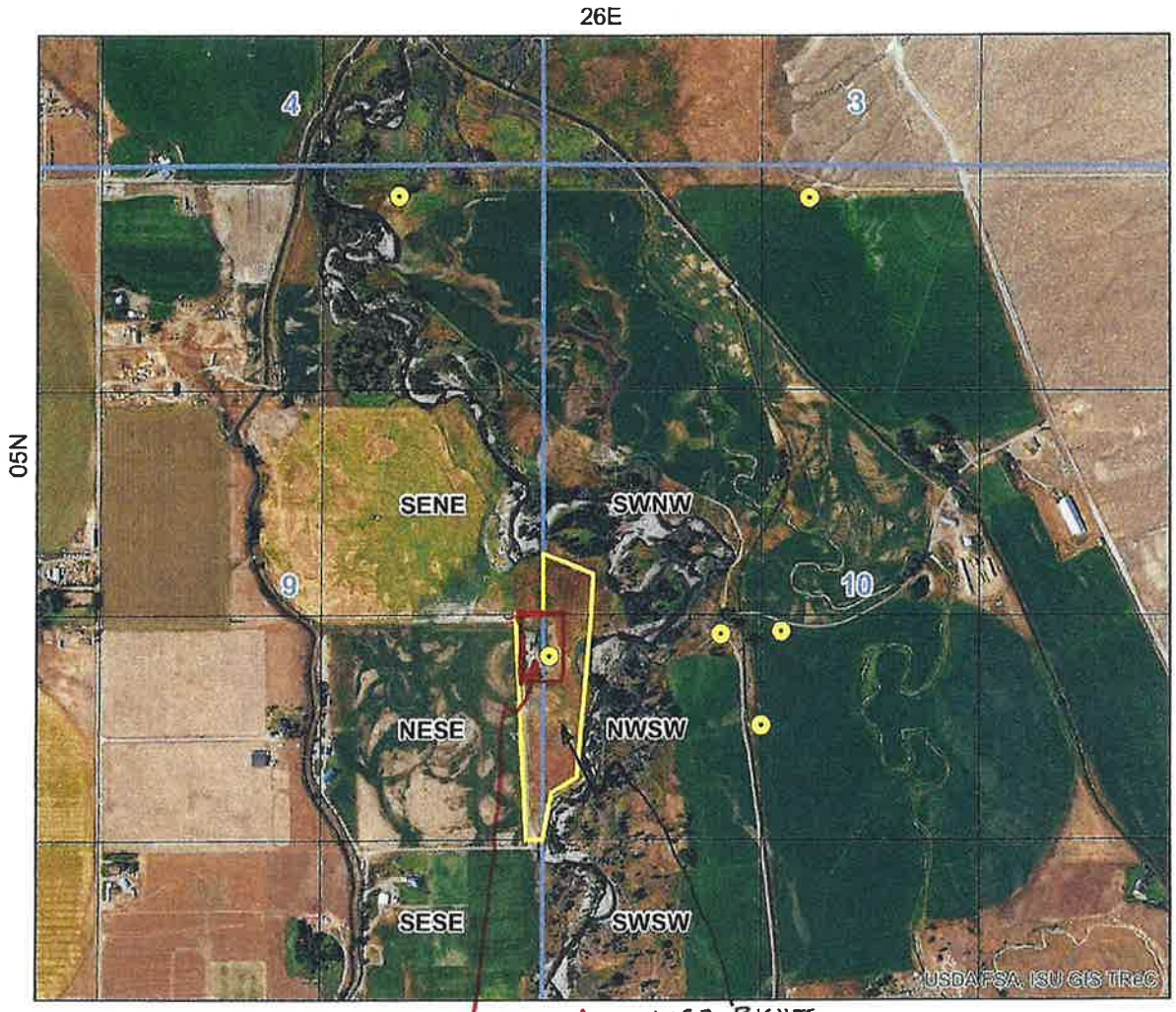
208-287-4942

Poulter Property
W.R. 34-14257
Write a description for your map.
Legend
WATER RIGHTS RETAINED
Google Earth
© 2018 Google
700 ft
N

State of Idaho
Department of Water Resources

Water Right License

34-14257



WATER RIGHTS RETAINED

WATER RIGHTS TO BE LEASED

Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.125 0.25 0.5 Miles

POULTER
W.R. 34-14257

N

MEMORANDUM

To: **Water Right File No(s). 34-14255 & 34-14257**

From: **Mary Condon**

Per: **Phone Conversation with James Poulter**

Date: **January 18, 2019**

Re: **Water Supply Bank Lease Application**

Called to clarify the requested hold back on 34-14257, since the attachment 2 had the full rate and volume for the right, and acres in excess of the right limit.

He wants to irrigate 2-3 acres, but it is not known where the acres are per his map. Clarify with applicant during review.

James E. Poulter
Geologist

3302W 3400N, P.O. Box 429
Moore, ID 83255
(208) 360-6561
E-mail: jep.pgeo@gmail.com

RECEIVED
JAN 07 2019
DEPARTMENT OF
WATER RESOURCES

January 1, 2019

Ms. Mary Condon
Idaho Department of Water Resources
322 Front St., P O Box 83720
Boise, ID 83720-0098

RE: Application To Lease Water Rights 34-14255 and 34-14257 to the Water Supply Bank

Dear Ms. Condon:

Enclosed please find the Application referenced above along with a check for $500.00 to cover the fee for the application.

The application is the same as for water rights that have just been released from the Water Bank. I have used the previous application as a guide in filling out the forms and since nothing has changed for this application it should be correct, but if there are any problems or questions please contact me. I would think that on your end you could also use the previous filing to expedite the process.

Thanks.

Sincerely,

James E. Poulter
Geologist